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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,327	11/17/2003	Ronald Yoder	APICO-03001	5094
28270	7590	11/03/2005	EXAMINER	
O'MALLEY AND FIRESTONE 919 SOUTH HARRISON STREET SUITE 210 FORT WAYNE, IN 46802			BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/715,327	YODER, RONALD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Greg Blankenship	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 14-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 3, 9, and 13 is withdrawn in view of the newly discovered reference(s) to Judson (2,645,521). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is indefinite because the phrase, "the support element further comprising one or sheet sections", is unclear. The examiner believes the phrase is supposed to be --the support element further comprising one or more sheet sections--.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson (2,645,521) in view of Baranian (US 2002/0116892 A1).

Judson discloses a vehicle roof support comprised of a chord (33) and an elongated base member (35). Supporting elements (45) are disposed between the elongated base member (35) and the chord (33). The chord (35) has a contoured profile allowing a side of the cross member to fit against an under side of a vehicle roof (57), as seen in Figure 3. In reference to claim 9, the support element is comprised of more than one sheet section, as seen in Figures 3 and 4. In reference to claim 13, a lower rail (35) and an upper rail (33) extend from one side to another side of a roof of a vehicle. The lower rail (35) and upper rail (33) are each composed of a cross member. The lower rail (35) and upper rail (33) are disposed in a common plane defining an opening of varying width between them, as seen in Figures 3 and 4. A first member (45) extends between the upper rail (33) and the lower rail (35) to join them to one another. The cross member of the upper rail (33) is curved to fit against an underside of the roof of a vehicle, as seen in Figures 3 and 4. However, Judson does not disclose upright members extending perpendicularly from the chord and elongated base, in reference to claims 3 and 9, or the upper rail and the lower rail, in reference to claim 13, forming a T-shape with the upright members extending toward one another and connected by supporting elements.

Baranian teaches a rafter (10) having an upper member (12) and a lower member (14). The upper member has a cross member (16) and an upright member (18) that extends toward the upright member (26) of the lower member (14). The upright members (18,26) form T-shaped members with cross members (16,24), respectively. The upright members (18,26) are connected by supporting elements (32,34). The lower member (14) and the upper member (12) are disposed in a common plane.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to

form the chord and elongated base, in reference to claims 3 and 9, and the upper rail and lower rail, in reference to claim 13, of Judson, to have a T-shape with upright members extending perpendicularly from the cross members, of the chord, elongated base, upper rail, and lower rail, toward the other upright member as taught by Baranian; and connect the upright members with supporting elements, as taught by Baranian, to improve the strength of the rafter and the roof.

***Allowable Subject Matter***

6. Claims 4-8 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 10-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

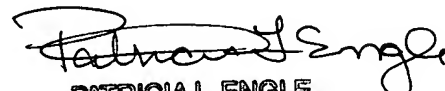
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gab  
October 28, 2005

  
PATRICIA L. ENGLE  
PRIMARY EXAMINER  
Art Unit 3612